

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

20 Cr. 389 (JGK)

- against -

ORDER

DAVE MINTER,

Defendant.

JOHN G. KOELTL, District Judge:

At the plea hearing scheduled for April 13, 2021, the parties should be prepared to address the question of whether the 2014 conviction for violation of New York Penal Law § 220.39 is in fact a serious drug offense within the meaning of 18 U.S.C. § 924(e), see, e.g., United States v. Swinton, No. 6:15-CR-06055-EAW, 2020 WL 6107054, at *6 (W.D.N.Y. Oct. 15, 2020) (“[A]t the present time (and since 2015) . . . a conviction under § NYPL 220.39(1) is categorically broader than a conviction under the CSA.”), in particular what were the relevant schedules of controlled substances under federal and state law in 2014 and what are they today. If possible, the parties should provide the Court with letters prior to the plea allocution.

SO ORDERED.

Dated: New York, New York
April 12, 2021

/s/ John G. Koeltl
John G. Koeltl
United States District Judge